

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**TUNYA DENISE JENKINS**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 2:05CV-23-P-B**

**CYNTHIA REDMOND JENKINS, et al**

**DEFENDANTS**

**ORDER**

This cause is before the Court on the plaintiff's Motion to Remand [39]. The Court, having reviewed the motion, the response, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

Plaintiff filed a cause of action styled *Tunya D. Jenkins, et al. v. Cynthia Jenkins and Great West Life and Annuity Insurance Company* on December 28, 2004 in the Chancery Court of DeSoto County. After being served with the Complaint, Great West Life and Annuity Insurance Company removed the action to this Court on grounds of federal preemption under ERISA, 29 U.S.C. § 1001, et seq. Subsequent thereto, the parties entered into a stipulation which resulted in Great West Life interpleading the proceeds of the insurance policy to the registry of the Court. Following that stipulation, this Court entered a Consent Order of Discharge on March 22, 2006 whereby the Great West Life was dismissed with prejudice as a party defendant. Inasmuch as the only remaining issues are those of state law and equity which are most appropriately determined by the Chancery Court of DeSoto County, Mississippi, the Court exercises its discretion under 28 U.S.C. § 1441(c) to remand the case to state court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiff's Motion to Remand

[39] is well-taken and should be, and hereby is, GRANTED. IT IS FURTHER ORDERED that this cause is hereby REMANDED to the Chancery Court of DeSoto County, Mississippi. IT IS FURTHER ORDERED that the Clerk of Court for the Northern District of Mississippi is to remit the sum of \$175,000 with interest accrued from the time of deposit into the registry of the Court, less and except the appropriate registry fee, to the Chancery Court of DeSoto County.

SO ORDERED, this the 9<sup>th</sup> day of February, 2007.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE